

**BILL NO. BL2018-1122 (PRIDEMORE)** - This ordinance would amend Title 17 of the Metropolitan Code of Laws pertaining to special exception uses.

This ordinance would reinstate a requirement that the specific location of waste transfer facilities to be approved by resolution of the Council prior to the public hearing conducted by the Metro Board of Zoning Appeals (BZA) to consider such special exception requests.

Prior to August 2017, section 17.40.280 of the Metro Code required applicants seeking special exceptions for certain intensive uses (e.g., sanitary landfills, asphalt plants, waste transfer facilities, airport runways, hazardous operation, and wastewater treatment facilities) to first obtain Council approval for the location of such uses prior to BZA consideration. But in May 2017, the Council adopted the Jackson Law (BL2016-484) which required local approval of landfills, solid waste disposal facilities and processing facilities. With enactment of that legislation, Section 17.40.280 was amended to remove ostensibly unnecessary references to landfill and solid waste facilities. Specifically, BL2017-799 redacted sanitary landfills and waste transfer facilities. However, legal counsel for the Tennessee Department of Environment and Conservation has opined that transfer stations are exempt from the Jackson Law. Accordingly, the reference to waste transfer facilities in Section 17.40.280 should be reinstated.